



October 9, 2023

Notice is hereby given of a Regular Meeting of the Nacogdoches Planning & Zoning Commission to be held on the above date via videoconference beginning at 5:00 p.m. for the purpose of considering the following agenda items.

The City of Nacogdoches Planning & Zoning meeting will be deemed as being conducted via teleconference or videoconference. However, some board members may attend virtually, while others may be present in the above-stated physical location. Regardless, the meeting will be streamed live at www.nactx.us. There will be an opportunity for the public to comment on agenda items either by teleconference or in person in Council Chambers.

Members of the public who wish to submit comments by telephone on a listed agenda item must contact the Planning and Zoning office by email at pz@nactx.us or by calling 936-559-2574 and providing their name, telephone number, and relevant agenda item upon which they wish to speak. All requests to make comments via telephone must be received by 12:00 p.m. on 10-09-2023. For all timely requests received, staff will call the submitted phone numbers directly during the meeting when the corresponding item comes up for comment. NOTE: The incoming phone call from City staff will be an unfamiliar number.

**PLEASE LIMIT PRESENTATIONS TO THREE MINUTES
(UNLESS PRIOR APPROVAL IS OBTAINED)**

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. Open Forum: In addition to public comment on agenda items, the Commission offers an open forum whereby citizens may comment on governance issues over which the City of Nacogdoches has domain. In accordance with the Texas Open Meetings Act, members of the Commission shall not discuss, deliberate, or make any decisions on topics not posted as an agenda item. Speakers should address all remarks to the Commission and limit your remarks to no more than 3 minutes.
4. **CONSENT AGENDA:**
All matters listed under the Consent Agenda are considered routine by the Commission and will be enacted by one motion. These items include final plats where staff has found compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations. Since there will not be separate discussion of these items, citizens wishing to address the Commission regarding one or more items on the Consent Agenda may address the Commission at this time as well. If any Commissioner desires to discuss an item on the Consent Agenda it may be moved to the Regular Agenda for further consideration.
 - A. Approval of Minutes: Consider approval of minutes from the September 11, 2023, Planning & Zoning Meeting.
5. REGULAR AGENDA: City Council will receive staff recommendations and public input on the following

City of Nacogdoches Planning Department
202 E. Pilar – PO Box 635030 – Nacogdoches, TX 75963
936-559-2574 □ Fax 936-559-2912 □ www.nactx.us
Home of Stephen F. Austin State University □ www.sfasu.edu



items, and may deliberate and take formal action on the item.

A. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.

B. **Public Hearing:** Consider approval for a Zone Change from PD, Planned Development District, to R-1, Single Family, for approximately 32 acres, being Lots 1, 2, 3, 4R, 5, and 6R-1 of the Timber Springs Subdivision. This request has been made by Lone Star Breeder Farms, Inc. Case File ZON2023-06.

6. Discussion and possible action on future agenda items: A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

7. ADJOURN.

Aimee Cloutier, Office Assistant III

The City Council Chambers is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Planning Department at (936) 559-2574 or FAX (936) 559-2910 for further information.

This agenda is posted as required under G. C. Section 551.041. For more information or a copy of the Open Meetings Act, please contact Attorney General of Texas at 1-800-252-8011; City Secretary at (936) 559-2506 or visit City of Nacogdoches web site at www.nactx.us.

CERTIFICATION

I certify the notice of the meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on October 4, 2023, at 3 p.m. and remained posted until the meeting convened.

Aimee Cloutier, Office Assistant III

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**CITY OF NACOGDOCHES
PLANNING & ZONING COMMISSION MEETING MINUTES
SEPTEMBER 11, 2023, AT 5:00 P.M.
REGULAR HYBRID MEETING**

MEMBERS PRESENT: Shannon Conklin; Lily Phou; Ruth Carroll; Matt Perry; Margaret Forbes;

MEMBERS ABSENT: None

STAFF PRESENT: Office Assistant III, Aimee Cloutier; Planning Technician, Juan Pollette; City Engineer & Interim Planner, Steve Bartlett;

OTHERS PRESENT: Applicant, Cesar Escalante; Applicant, Sam Wright; Natasha Dahanayake; Mitchell Adams; Mrs. Abudullah, Glenn Hoffpaur; Hunter Taylor; and Michael Delaney;

1. **Call to Order:** Chairman Conklin called the meeting to order at 5:04 p.m.
2. **Pledge of Allegiance:** Chairman Conklin led the Pledge of Allegiance.
3. **Open Forum:** Chairman Conklin opened the floor for public comment. There were no comments from the public.
4. **CONSENT AGENDA:** All matters listed under the Consent Agenda are considered routine by the Commission and will be enacted by one motion. These items include final plats where staff has found compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations. Since there will not be a separate discussion of these items, citizens wishing to address the Commission regarding one or more items on the Consent Agenda may address the Commission at this time as well. If any Commissioner desires to discuss an item on the Consent Agenda, it may be moved to the Regular Agenda for further consideration.
 - A. **Approval of Minutes:** Consider approval of minutes from the August 14, 2023 Planning and Zoning Commission meeting.

Commissioner Carroll moved to approve the minutes from the August 14, 2023, meeting as written. Commissioner Perry seconded the motion, and the minutes were approved unanimously (5-0).
5. **REGULAR AGENDA:**
 - A. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.
 - B. **Public Hearing:** Consider approval for a Specific Use Permit for Light Manufacturing/Assembly in a B-2, General Business district, on Lots 4&5 of the Reese JE Subdivision located at 2524 South Street and Lot 77-B-1, City Block 56, located at 2516 South Street. This request has been submitted by Cesar Escalante. Case Number SUP2023.04.

Juan Pollette, Planning Technician (PT), presented the request to the Commission stating that the applicant has already been using the property to assemble carports for the last year with plans to expand into the property he recently purchased that is adjacent to the property located at 2524 South Street. PT Pollette stated staff recommends conditioning the permit to limit the hours of operation to Monday through Friday 8 am-6 pm, Saturday 8 am-12 pm, and closed Sundays. Other conditions included that all operations be contained to the interior of the property, no parking/staging vehicles along Old Lufkin Rd., and constructing a seven-foot tall metal fence along the western property area. PT Pollette stated staff believed the specific use permit with the conditions is compatible with the surrounding commercial area.

Chairman Conklin opened the meeting up for questions from the Commission.

There was discussion amongst the Commission and staff regarding the noise, parking requirements, future land use, and enforcement of the proposed specific use permit.

The Applicant, Cesar Escalante addressed the Commission stating they poured concrete days ago to expand the business and explained the process of assembling and lightly manufacturing the carports.

There was a discussion amongst the Commission and the Applicant regarding the volume and sales of the carports.



Chairman Conklin opened the meeting for Public Comment. There were no comments made and Chairman Conklin opened the meeting up for discussion amongst the Commission.

Commissioner Carroll stated the only complaint received from anyone within the 200' buffer was regarding parking and the applicant has already fixed it.

Chairman Conklin called for a motion. Commissioner Phou made the motion to approve the Specific Use Permit with conditions as presented with Commissioner Perry seconding the motion. The specific use permit was approved unanimously (5-0).

- C. Preliminary Subdivision Plan:** Consider approval of a preliminary plat for the Kew Gardens Subdivision, consisting of approximately 19.5 acres, located on the north side of State Highway 7, immediately east of Humphrey Road. This request has been submitted by Benefield Estates, LLC.

PT Pollette presented the preliminary plan to the Commission explaining that it would be a single-family 30-lot subdivision. PT Pollette stated the plan is consistent with the 380 agreement that was approved by the City Council in May 2023.

Steve Bartlett, City Engineer (CE) explained to the Commission the rules and differences between a preliminary and final plat as well as placing conditions on the plat.

Applicant, Sam Wright addressed the Commission stating he was going to build small, starter homes, which are needed in the community.

There was a discussion regarding waters of the U.S. (wetland and stream) delineation and wildlife between the Commission and the applicant's engineer, Michael Delaney.

Chairman Conklin opened the meeting up for Public Comment.

Natasha Dahanayake stated she wanted a 50' vegetation buffer behind her house like the rest of the homeowners behind the applicant's proposed subdivision. Ms. Dahanayake also stated there is a stream in the proposed subdivision and wanted to make sure the lots in the low-lying areas are protected.

Helena Abdullah stated she does not want anything built on the property and wants it kept undisturbed as she does not want that many homes in her backyard. Ms. Abdullah also expressed that there was going to be a drainage issue with the subdivision.

Chairman Conklin closed the public comment and opened the meeting up for discussion.

Commissioner Forbes asked the applicant's engineer if there was an engineering reason that the landscaping buffer couldn't be widened behind Natasha Dahanayake's property.

The applicant's engineer, Michael Delaney stated that the buffer goes with the natural flow pathway of the property.

Commissioner Forbes stated it would be difficult for her to approve the preliminary plan due to the detention pond not being on the plan and environmental studies not being completed.

Chairman Conklin called for a motion. Commissioner Phou made the motion to approve the preliminary plan with Chairman Conklin seconding it. The plan was approved (4-1) with Commissioner Forbes voting against the approval of the preliminary plan.

- 6. Discussion and possible action on future agenda items: A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.**

There was no discussion or action on future agenda items.

7. Adjourn

Chairman Conklin adjourned the meeting at 6:06 p.m.

Chairman Conklin

Attest: Aimee Cloutier, Office Assistant III

PRESENTER: Juan Pollette, Planning Tech

ITEM/SUBJECT: Public Hearing: Consider approval for a Zone Change from PD, Planned Development District, to R-1, Single Family, for approximately 32 acres, being Lots 1, 2, 3, 4R, 5, and 6R-1 of the Timber Springs Subdivision. This request has been made by Lone Star Breeder Farms, Inc. Case File ZON2023-06.

OVERVIEW: SUMMARY/BACKGROUND: The request is for a zone change from PD, Planned Development District, to R-1, Single Family, for approximately 32 acres, being Lots 1, 2, 3, 4R, 5, and 6R-1, of the Timber Springs Subdivision, generally located on the south side of Maroney Drive, 160 feet west of Kenbrook Drive. The R-1, Single Family district is intended as an area for low-density single-family use. Lots in this area must be a minimum of 8,250 square feet or larger.

The proposed zone change is for approximately 32 acres out of the Timber Springs Subdivision. The portion of the PD to the east (Lot 6R-2 of the Timber Springs Subdivision) is not included in the zone change request. This lot was purchased by one of the adjacent property owners in 2014, which is why it is not included in the application.

This property was zoned from R-1 to PD in the mid-2000s for a large retirement community. The project was never developed or sold to the owner of the retirement community. The current and original property owner is requesting to change the zoning back to the original R-1 designation to be more consistent with the surrounding neighborhoods. The applicant intends to sell the property to a buyer who plans on building a single-family home on the property.

Adjacent Land Use & Zoning

The subject property is zoned PD, Planned Development, and is currently undeveloped. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North (Across Maroney Dr)	Single Family Residential	R-1, Single Family	Undeveloped
South	Rural Development	R-1, Single Family	Undeveloped
East	Single Family Residential & Rural Development	R-1, Single Family	Single-Family
West	Single Family Residential & Rural Development	B-2, General Business	Undeveloped

The surrounding properties to the north of Maroney Drive are zoned B-2, General Business, and R-1, Single Family, and are mostly vacant except for the Kenbrook single-family neighborhood to the north and east. The property to the west is zoned B-2, General Business, and is undeveloped. The property to the south is zoned R-1, single-family, and is undeveloped. The portion of the original PD (Lot 6R-2) to the east that's not included in the zone change request is also undeveloped. This tract is encumbered by steep terrain and a tributary of Lanana Creek and was identified as a "reserve" tract on the approved PD Development Plan to be maintained as a natural area.

STAFF REVIEW:

REVIEW CRITERIA: Per Section 118.139 of the Nacogdoches Zoning Ordinance, the following conditions shall be considered when reviewing an application for zoning change:

Compatibility: The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;

The proposed R-1, Single Family zoning district is consistent with the current zoning of the majority of the properties in the area, as well as the single-family neighborhood (Kenbrook Subdivision) located to the east.

Orderly Growth and Development: The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The property is bounded by the Kenbrook Subdivision to the east, Maroney Drive to the north, and by a Lanana Creek tributary to the south and west. The approval of this zone change would not impede the normal development of the surrounding properties.

Supporting Facilities: Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

The subject property takes direct access from Maroney Drive, a collector road that functions as primary access for the property and adjacent subdivisions. The roadway is adequate to accommodate the nature and volume of traffic typically generated by the uses permitted under the R-1, Single Family zoning district.

The property has access to public utilities, with a 6-inch water main and 8-inch sewer main located along Maroney Drive.

Drives and Parking: The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

Future development will need to comply with current City regulations regarding driveway spacing and parking requirements.

Nuisances: Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;

Future development will need to comply with City regulations regarding the prevention of offensive odor, fumes, dust, noise and vibrations.

Lighting: Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;

If the zone change request is approved, any new outdoor lighting would be subject to the City's current standards, which require light fixtures to utilize a down lighting design and prohibit fixtures that directly project light in all directions.

Landscaping: Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;

Single-family construction is not subject to commercial district landscaping requirements.

Comprehensive Plan: The proposed use is in accordance with the comprehensive plan.

Future Land Use

Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan (FLUP) Map designates the subject property as *Single Family Residential*. The *Single Family Residential* FLUP category is described as, "Conventional one-family detached dwellings (also includes duplexes)."

Thoroughfare Plan

Maroney Drive is a Collector road. The roadway is adequate to accommodate the nature and volume of traffic typically generated by the proposed use.

Land Use Policies, Goals & Objectives

This rezoning is a response to current needs for single-family residential growth and therefore fits into the goals of the Comprehensive Plan; specifically, the goal to encourage *Growth Inward- Long-term growth in appropriate areas to achieve an efficient, diverse, and balanced pattern of land uses both within the City and urbanizing portions of its extraterritorial jurisdiction*. Some of the targeted objectives include:

- Encourage infill development where appropriate (utilities, compatibility, etc.).
- Plan for mixing and/or separation of land use types based on desire, location, density, and

pattern of development.

- Promote growth where adequate infrastructure exists.

This request also furthers the Land Use Policies of the 2003 Comprehensive Plan, specifically:

- Compatibility with existing uses should be maintained. Well-planned, mixed uses which are compatible are to be encouraged.
- Schools, parks, and community facilities should be located close to or within residential neighborhoods.

Staff finds that the request is in compliance with the FLUP and the stated Goals and Objectives of the 2003 Comprehensive Plan.

NOTICES:

Staff mailed 11 notices to property owners within the 200-foot notification area. Since the time of this report, Staff has received one (1) response in support of the request.

This zoning application was also subject to the additional noticing practices that were approved by the City Council in January 2021. These include a zoning sign located on the subject property; notices published on the City's webpage and social media platforms; and, mailed courtesy notices to property owners within 500 feet of the subject property.

Staff Recommendation

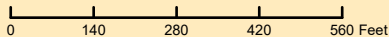
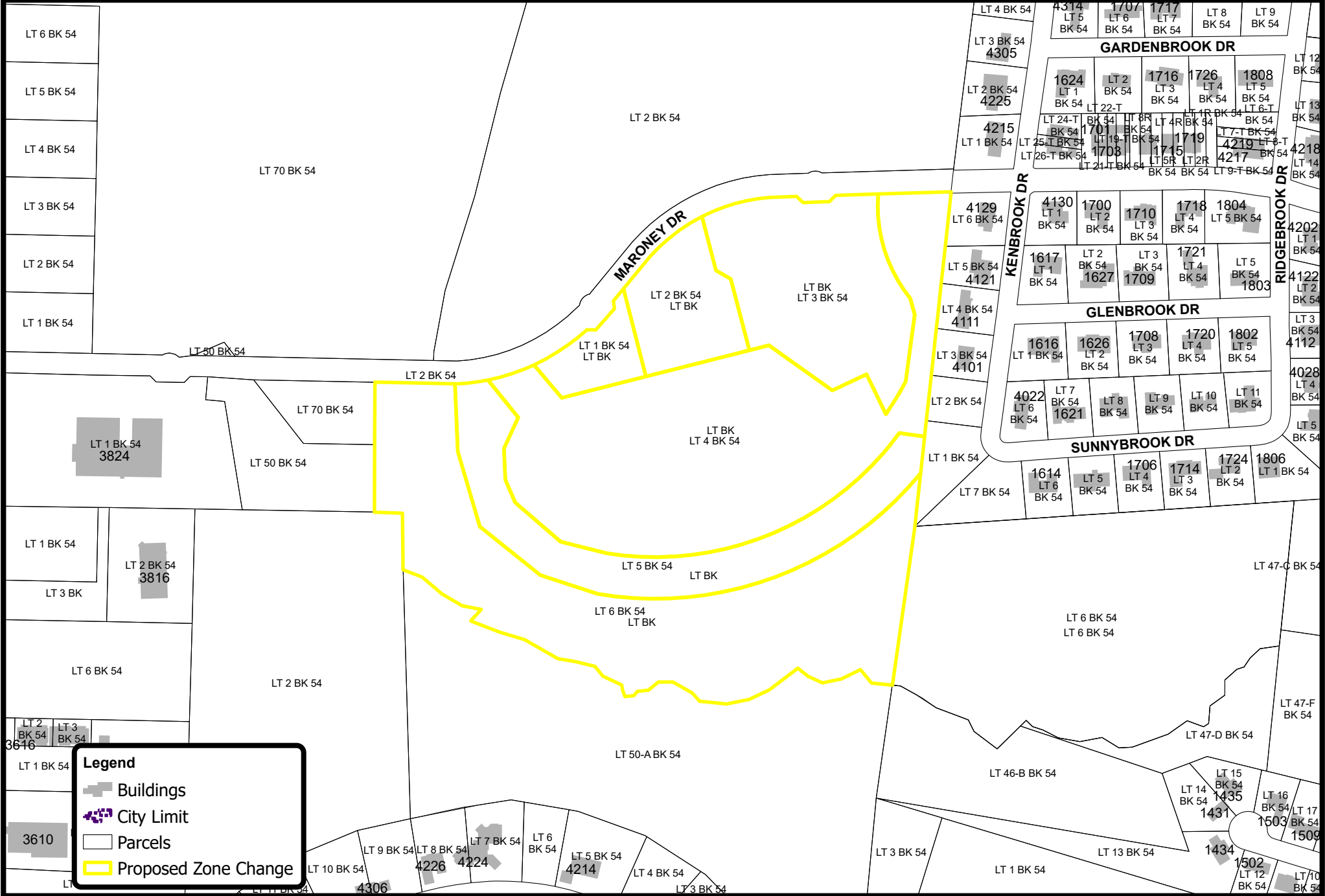
Based on the above findings, Staff recommends approval of a change of zoning for the subject property from PD, Planned Development District to R-1, Single Family. This item is scheduled to be heard by the City Council on Tuesday, October 17, 2023.

CITY CONTACT: Juan Pollette, Planning Technician
pollettej@nactx.us
(936) 559-2559

ATTACHMENTS:

1. Location Map
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Site Photos
7. PD Development Plan (2010)

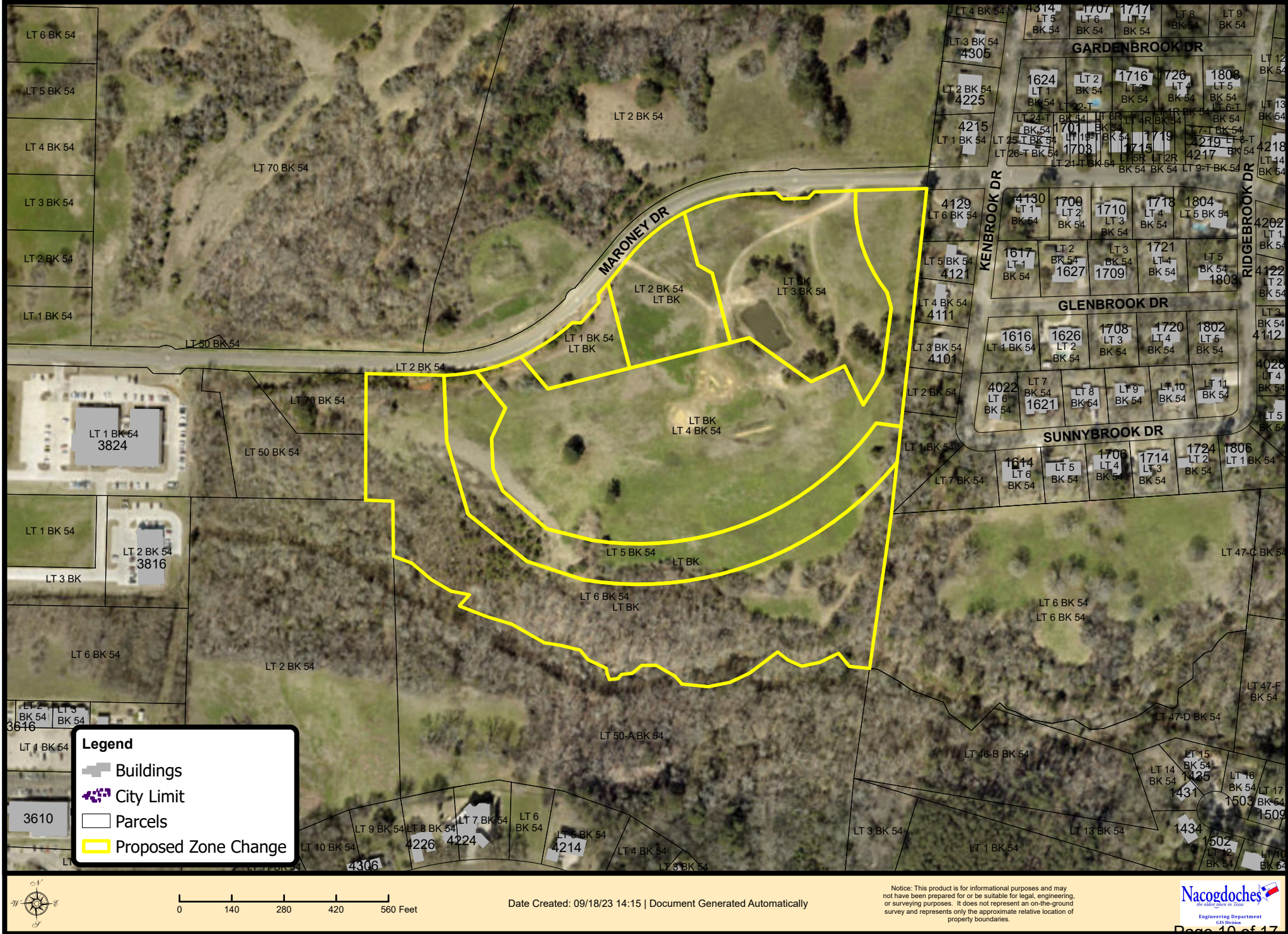
Location Map ZON2023-06



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Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

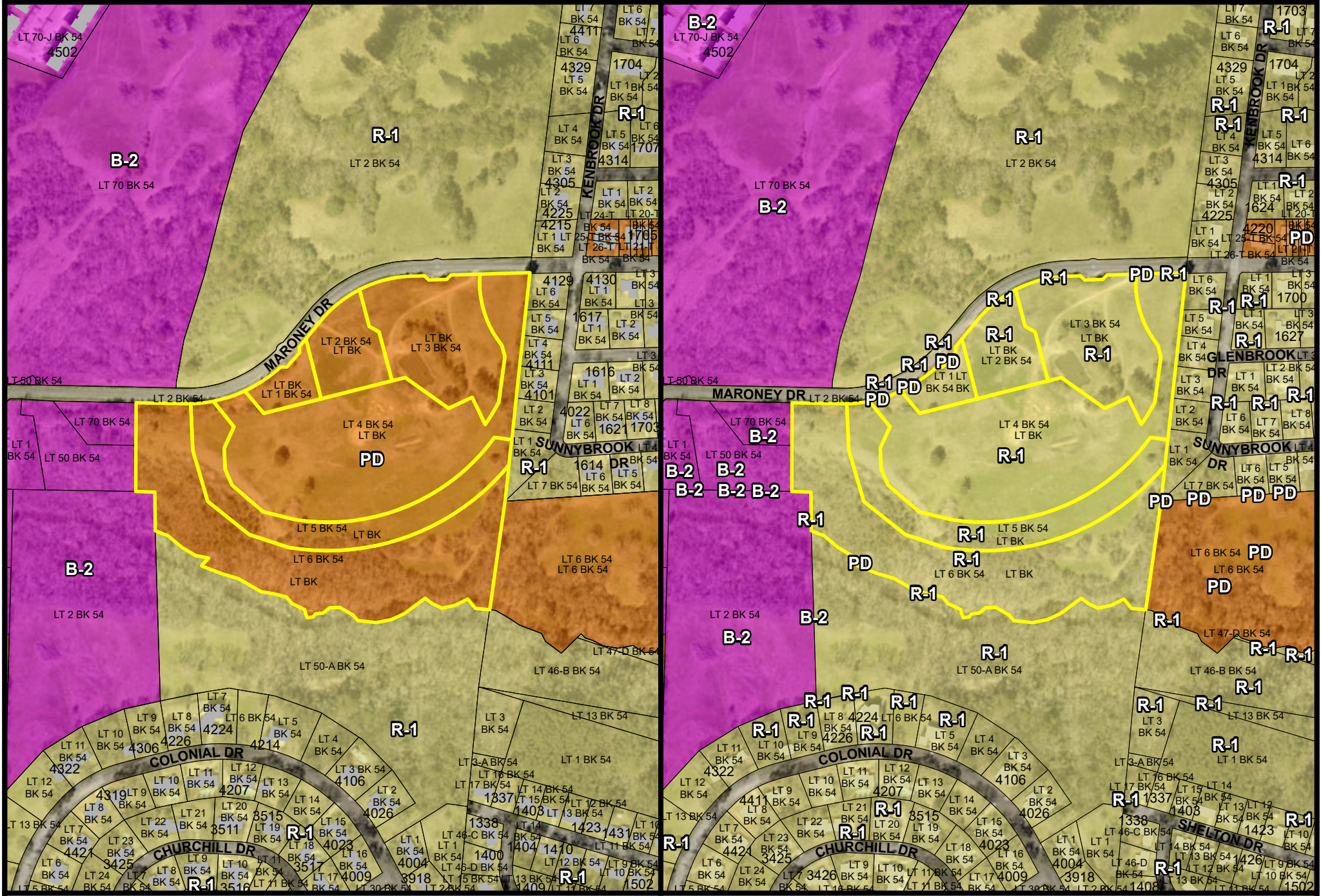
Aerial Map ZON 2023-06



Existing Zoning

ZON2023-06

Proposed Zoning

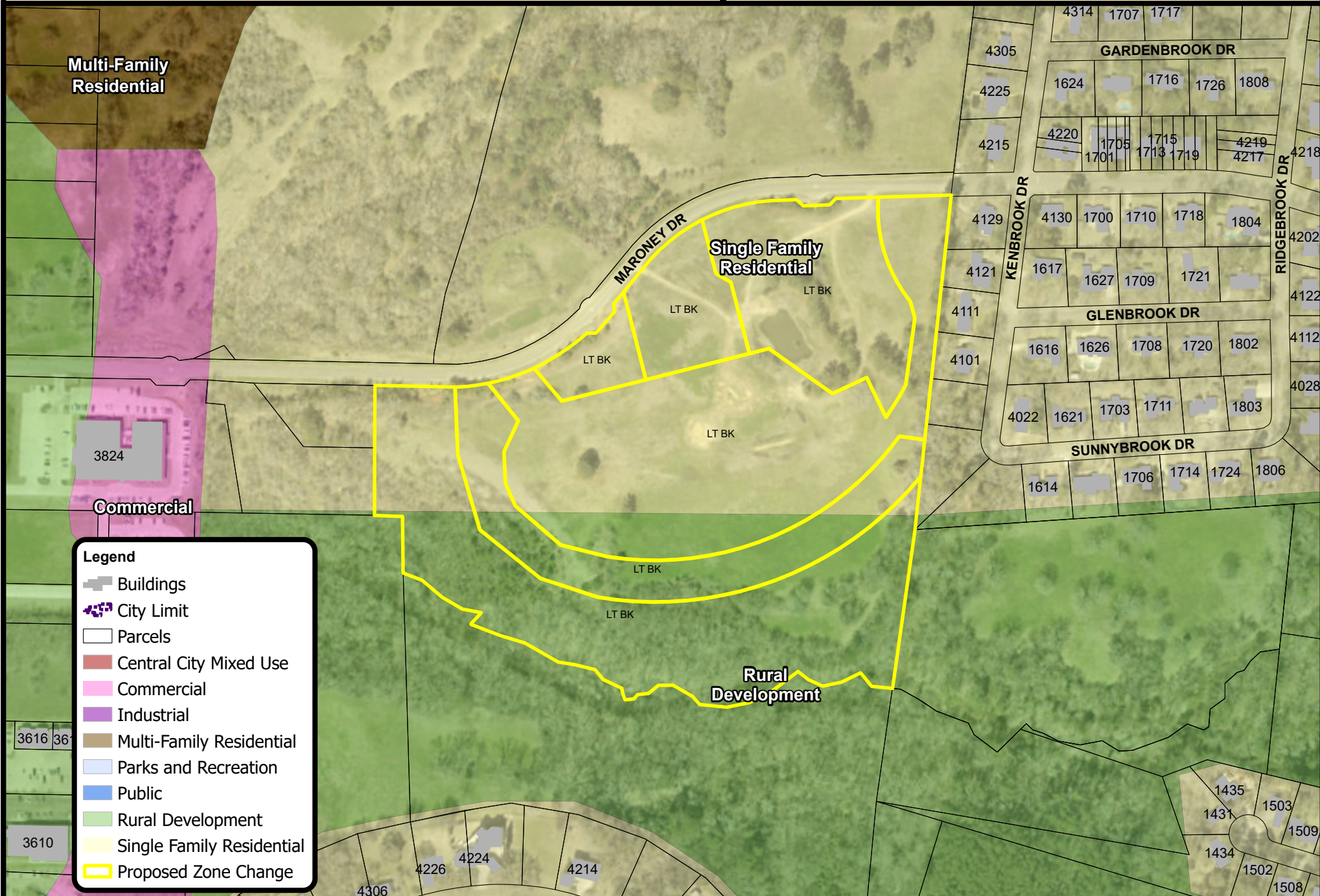


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Nacogdoches
Engineering Department
GIS Division

Future Land Use Map ZON 2023-06



Site Photos: ZON2023-06



Street view from
Maroney Drive



Site Photos: ZON2023-06



Looking west from
subject property

The Burke Center at SEC of
University & Maroney Dr.



Site Photos: ZON2023-06



Looking east from subject property

Kenbrook Subdivision
to the east



NACOGDOCHES, TEXAS

RESTAURANT
SINGLE STORY - PHASE II

ASSISTED LIVING
20 UNITS
SINGLE STORY - PHASE II

WELLNESS CENTER/ SPA/ REHAB
SINGLE STORY - PHASE II

NURSING CENTER
SINGLE STORY - PHASE II

SENIOR APARTMENTS
4-STORY - PHASE I
144 UNITS

RESTAURANT
SINGLE STORY - PHASE III

HOME SITES
21 EXECUTIVE HOMES/
COTTAGES - PHASE I

CARPORTS



SITE DEVELOPMENT
MASTER PLAN

